

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hans KOLL, et al.

Application Serial No. 10/619,754

Filed: July 14, 2003

For: **METHODS FOR IDENTIFYING  
TUMORS THAT ARE RESPONSIVE  
TO TREATMENT WITH ANTI-  
ErbB2 ANTIBODIES**

Examiner: Unassigned

Group Art Unit: 1651

Attorney's Docket No. 39766-0114A

Customer No. 25213

EXPRESS MAIL LABEL NO.: EL 993 687 685 US  
DATE MAILED: JANUARY 5, 2005

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97**

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each publication other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application pursuant to 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. As form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
  - ☒ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; **or**

☐ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39766-0114A)**.

Respectfully submitted,

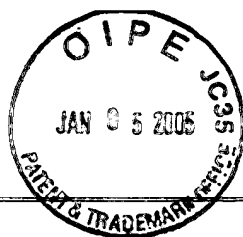
Dated: January 5, 2005

By: \_\_\_\_\_

Ginger Dreger (Reg. No. 33,055)

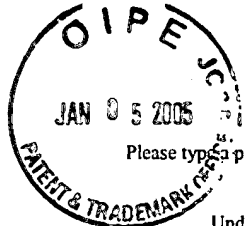
**HELLER EHRMAN WHITE & MCAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
Telephone: (650) 324-7000 / Facsimile: (650) 324-0638

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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		<b>ATTY. DOCKET NO.:</b> 39766-0114A		<b>SERIAL NO.:</b> 10/619,754			
		<b>APPLICANT :</b> Hans KOLL, et al.					
		<b>FILING DATE:</b> July 14, 2003		<b>GROUP:</b> 1651			
<b>U.S. PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>	
	US 2004/0229380 A1	11/18/2004	Chan Hui, et al.	436	518		
	US 2004/0229293 A1	11/18/2004	Chan Hui, et al.	435	7.2		
	US 2003/0190689 A1	10/09/2003	Crosby, et al.	435	7.23		
	US 2004/0197835 A1	10/07/2004	Chan Hui, et al.	435	7.2		
	US 2004/0126818 A1	07/01/2004	Chan Hui, et al.	435	7.2		
	US 2004/0229294 A1	11/18/2004	Chan Hui, et al.	435	7.2		
	US 2004/0229380 A1	11/18/2004	Chan Hui, et al.	436	518		
<b>FOREIGN PATENT DOCUMENTS</b>							
<b>EXAMINER'S INITIALS</b>	<b>PATENT NO.</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION</b>	
						<b>YES</b>	<b>NO</b>
	WO 03/087761 A2	10/23/2003	PCT	G01N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 2004/092353 A2	10/28/2004	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 2004/011900 A2	02/05/2004	PCT	G01N		<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
<b>EXAMINER</b>							

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/619,754	
	<b>Filing Date</b>	July 14, 2003	
	<b>First Named Inventor</b>	Hans KOLL, et al.	
	<b>Group/Art Unit</b>	1651	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	39766-0114A

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>Additional Enclosure(s) (please identify below):</b> <b>3 references submitted with PTO 1449; stamped return postcard</b>
<b>Remarks</b>		
<b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER (Reference Atty. Docket No. 39766-0114A)</b>		

<b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT</b>			
<b>Firm or Individual name</b>	GINGER R. DREGER, Reg. No. 33,055, HELLER EHRMAN WHITE & McAULIFFE LLP		
<b>Signature</b>			
<b>Date</b>	January 5, 2005	<b>Customer Number:</b>	25213

<b>CERTIFICATE OF EXPRESS MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop <b>AMENDMENT</b> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: January 5, 2005			
Express Mail Label <b>EL 993 687 685 US</b>			
<b>Typed or printed name</b>	Sandra Puljic		
<b>Signature</b>		<b>Date</b>	January 5, 2005